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16.02.10

Reference PN512976EPA	Application No./Patent No. 10000105.6 - 1241
Applicant/Proprietor NDS Limited	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☒ 1 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☒ Abstract ☒ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 1A

Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



ANSOPH HUYNH
PRIMARY PATENT EXAMINER

AR 4/5/10



EUROPEAN SEARCH REPORT

Application Number
EP 10 00 0105

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	US 2002/144262 A1 (PLOTNICK MICHAEL A [US] ET AL) 3 October 2002 (2002-10-03) * paragraphs [0053] - [0055], [0063], [0204], [0205], [0209], [0210]; figures 12a, 13a, 16 *	1,3-9,12	INV. H04N5/783
Y	WO 99/20045 A2 (KONINKL PHILIPS ELECTRONICS NV [NL]; PHILIPS SVENSKA AB [SE]) 22 April 1999 (1999-04-22) * paragraphs [0022] - [0024], [0039] *	1,3-9,12	
Y	US 2003/152363 A1 (JEANNIN SYLVIE [US] ET AL) 14 August 2003 (2003-08-14) * page 6, line 16 - line 25 *	1,3-9,12	
			TECHNICAL FIELDS SEARCHED (IPC)
			H04N
The present search report has been drawn up for all claims			
Place of search The Hague		Date of completion of the search 4 February 2010	Examiner Bardella, Xavier
CATEGORY OF CITED DOCUMENTS		T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons A: technological background O: non-written disclosure P: intermediate document	
X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category			

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**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 10 00 0105

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

04-02-2010

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 2002144262	A1	03-10-2002	AU	2002307128 A1	21-10-2002
			WO	02082374 A2	17-10-2002
			US	2005097599 A1	05-05-2005
			US	2008040740 A1	14-02-2008
WO 9920045	A2	22-04-1999	DE	69833775 T2	02-11-2006
			EP	0945010 A1	29-09-1999
			JP	2001506111 T	08-05-2001
			US	7046916 B1	16-05-2006
US 2003152363	A1	14-08-2003	AU	2003245076 A1	04-09-2003
			CN	1633692 A	29-06-2005
			EP	1479080 A1	24-11-2004
			WO	03069621 A1	21-08-2003
			JP	2005518123 T	16-06-2005

/AW/
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- 1 The examination is being carried out on the following application documents

Description, Pages

1-22 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/15-15/15 as originally filed

- 2 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

- D1 US 2002/144262 A1 (PLOTNICK MICHAEL A [US] ET AL) 3 October 2002 (2002-10-03)
D2 WO 99/20045 A2 (KONINKL. PHILIPS ELECTRONICS NV [NL]; PHILIPS SVENSKA AB [SE]) 22 April 1999 (1999-04-22)
D3 US 2003/152363 A1 (JEANNIN SYLVIE [US] ET AL) 14 August 2003 (2003-08-14)

- 3 It appears that the subject-matter of claims 2, 10 and 11 of the present divisional application extends beyond the content of the previous application (EP04725418) as filed, thus contravening Article 76(1) EPC.

Said claims refer to a "message hider" which has been never disclosed by the parent application as filed

Failing to remedy this defect by removing the additional subject-matter would lead to the application being refused under Article 97(2) EPC due to non compliance with Article 76(1) EPC. See GL-C-VI 9.1.4.

- 4 Moreover, the application does not meet the requirements of Article 84 EPC, because claim 1 is not clear. Its wording is unnecessarily confusing with regard to the claimed "interval" (line 10) comprising another interval "key frame interval" (line 12).

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- 5 Furthermore, notwithstanding the above-mentioned lack of clarity, the subject-matter of claims 1, 3-9 and 12 does not involve an inventive step within the meaning of Article 56 EPC, and the requirements of Article 52(1) EPC are not therefore met.
- 5.1 Document D1 is considered to be the closest prior art to the subject-matter of claim 1, and in so far as this claim can be understood, this document shows the following features thereof (the references in parentheses applying to this document):

A method for embedding a message in video content, the method comprising:

- authoring video content during a video production process, thereby producing authored video content, the authoring including:

- embedding a message (1602,1604,1606, etc) in a plurality of video frames (1600)

(The embedding of the message in the video content is carried out by disposing the message video frames at the positions of the key frames. Paragraph 207, for instance, teaches the way the message or alternative message is embedded into the video stream by identifying and flagging the corresponding necessary frames);

- video encoding the authored video content such that each identified individual frame is encoded as a key frame; and

wherein the message is visible when at least some of the key frames comprising the embedded message are played back using trick mode playback, and the message is hidden by the non-key frames during non-trick mode playback. (See e.g. §63)

The subject-matter of claim 1 therefore differs from this known method in that :

(a) each frame of the plurality of video frames is associated with time code information such that individual frames comprising the embedded message are identified by the time code information, the interval between each identified individual frame of the plurality of video frames comprising the embedded message comprising a key frame interval to be used during video encoding of the video content; and in that

(b) video encoding the authored video content is done according to the time code information.

The problem to be solved by the present invention may therefore be regarded as how to identify the frames to be used as key frames for the encoding.

The feature of using a time span as basis for identifying frames is described in D3 (§39) as providing the same advantages as in the present application. D2, as well, discloses a technique for rapidly locate key frames, so that trick modes are enabled (see page 6, lines 15-25).

The skilled person would therefore regard it as a normal option to include this feature of D3 or D2 in the method described in D1 in order to solve the problem posed.

The subject-matter of claim 1 is therefore not inventive in accordance to article 56 EPC.

5.2 D1 further discloses:

- the video content incorporated in a multi-program stream (fig. 13) being broadcasted; storing it in a storage medium (paragraphs 63, 91, 125, 139, 181, 186, 196 or 200); the encoding comprising MPEG (§173); the key frame comprising an I-frame and the non-key frame comprising either P- or B-frames (§204). The subject-matter of claims 3-6 and 9 is therefore also not inventive.

5.3 Claims 8 and 9 merely refer to generally well known techniques according to the standard video production processes, and, therefore they are also not inventive.

5.4 A similar reasoning as the one in point 5.1, can be applied, mutatis mutandis, to the subject-matter of corresponding product claim 12, which is therefore also considered not inventive under Article 56 EPC.

6 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 43(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claims vis-à-vis the state of the art and the significance thereof.

7 In case the Applicant intends to file a new set of claims he should take into consideration the following remarks :

7.1 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

- 7.2 The Applicant is requested to indicate in his reply where there is a basis for the amendments in the application as originally filed (Guidelines E-II, 1).
- 7.3 To meet the requirements of Rule 42(1)(b) EPC, the documents D1 to D3 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 7.4 New independent claims should be in the two-part form in accordance with Rule 43(1) EPC, with those features known in combination from the prior art (documents D1 to D3) being placed in the preamble (Rule 43(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 43(1)(b) EPC).

If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefor should be provided in the letter of reply.